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| 09/963,489 | 09/27/2001 | Tetsuji Fuwa | 110732 | 9315 |
| 25944 7590 02/28/2008 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850 | | | | |
| EXAMINER | | | | |
| GORT, ELAINE L | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/963,489

Applicant(s)

FUWA, TETSUJI

Examiner

Elaine Gort

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4 and 6-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 6-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/02)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1, 2, 4 and 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

It is unclear in claim 1 regarding the limitation "unique information" claimed in lines 2, 4, 6, 7 and 14. It is unclear if this unique information is the same unique information claimed at the beginning of line 2 or represents another set of unique information.

It is unclear in claim 2 line 3 regarding the limitation "the unique information". It is unclear if this unique information is the same unique information claimed in claim 1 at the beginning of line 2 or represents another set of unique information.

It is unclear in claim 6 line 3 regarding the limitation "the unique information". It is unclear if this unique information is the same unique information claimed in claim 1 at the beginning of line 2 or represents another set of unique information.

It is unclear in claim 7 line 3 regarding the limitation "the unique information". It is unclear if this unique information is the same unique information claimed in claim 1 at the beginning of line 2 or represents another set of unique information.

It is unclear in claim 7 line 3 regarding "different types". It is unclear what the Applicant is claiming. For purposes of this action, Examiner construes this to be previewing of different image types.

It is unclear in claim 8 lines 2, 7 and 9 regarding the limitation "the unique information". It is unclear if this unique information is the same unique information claimed in claim 1 at the beginning of line 2 or represents another set of unique information.

It is unclear in claim 9 regarding "preparing the customer identifier". It is unclear what the Applicant is claiming.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Husted (PERSONAL TECHNOLOGY CYBERSCENE Web sites convey best wishes Services provide all the material to design a card; The Atlanta Journal-constitution 1997) in view of von Rosen et al. (US Patent 6,493,677).**

Husted discloses the claimed **method for selling, over a transmission network** (Husted discloses a method for selling personalized greeting cards over the Internet, see abstract paragraph), **unique information indicating products** (greeting

cards that are personalized and contain unique information, such as a special note to the receiver) **that indicate unique information** (the customization of the greeting card is construed to be the unique information), **the method comprising:**

receiving, at a server (Examiner construes that a server is inherent in order for the website "streetofshops.com", and other card sites mentioned in the article, to function) , **unique information supplied from a client device across the transmission network to the server** (customer enters details regarding pictures for the card, message into their computer);

preparing, based on unique information, a preview image of a unique information indicating product that indicates the unique information (customer is given a preview of their card before it is sent, which is prepared based on the unique information the customer inputs),

transmitting the prepared preview image to the client device(customer is given a preview of their card which they view on the customer's computer screen); **and**

displaying the preview image using a browser of the client device (customer's computer inherently uses a browser in order to view the website),

wherein the steps of preparing and displaying are performed in real time in response to selected variations of a plurality of features of the unique information indicating product (customer is provided a preview of the card when they design it, Examiner construes this to be in real time),

but is silent regarding where the variations of the plurality of features are capable of being selected on a single page of the browser of the client device and reflected in real time on the single page of the browser .

Von Rosen et al. teaches, in figure 9C that it is known in the art to provide a webpage that allows a customer to customize features of a printed matter while viewing the changes in real time to allow the customer instant feedback of what the final product would look like. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the variations of features/customization capabilities for greeting cards of Husted with the webpage with the customizable feature and preview being on the same web page of von Rosen et al., in order provide customers with instant feedback of what the final product would look like based on their selected changes to the card.

(Regarding claim 2) wherein the steps of preparing and displaying are performed in real time response to character input performed at the client device for the unique information (customer inputs their customization via character inputs on their keyboard, such as text messages for the cards) .

5. Claims 4, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Husted (PERSONAL TECHNOLOGY CYBERSCENE Web sites convey best wishes Services provide all the material to design a card; The Atlanta Journal-

constitution 1997) and von Rosen et al. (US Patent 6,493,677), as modified above, and further in view of Cunningham (CorelDraw 9; Computing Canada, 1999).

Husted (PERSONAL TECHNOLOGY CYBERSCENE Web sites convey best wishes Services provide all the material to design a card; The Atlanta Journal-constitution 1997) and von Rosen et al. (US Patent 6,493,677), as modified above, discloses the claimed method but is silent regarding preview images of colors, sizes and different image types. Cunningham discloses that it is known in the art of editing documents to provide users of customized formatting systems to be provided preview images of colors via displayed color palettes, sizes via having preset zoom levels or font sizes, and different image types via for example seven 3D effects such as emboss, page curl, perspective, etc....to provide user convenience. It would have been obvious to one having ordinary skill in the art of editing documents at the time the invention was made to provide the method of Husted (PERSONAL TECHNOLOGY CYBERSCENE Web sites convey best wishes Services provide all the material to design a card; The Atlanta Journal-constitution 1997) and von Rosen et al. (US Patent 6,493,677), as modified above, with the preview images of colors, sizes and different image types of Cunningham, in order to provide convenience for users.

6. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Husted (PERSONAL TECHNOLOGY CYBERSCENE Web sites convey best wishes Services provide all the material to design a card; The Atlanta Journal-

constitution 1997) in view of von Rosen et al. (US Patent 6,493,677) and

Examiner's Official Notice of Tracking Numbers.

Husted (PERSONAL TECHNOLOGY CYBERSCENE Web sites convey best wishes Services provide all the material to design a card; The Atlanta Journal-constitution 1997) and von Rosen et al. (US Patent 6,493,677), as modified above, discloses the claimed method but is silent regarding using tracking numbers for customer identification.

Examiner takes Official Notice that it is notoriously old and well known in the art of sales for customer orders to have tracking numbers that could be in any form, such as a purchase order, random number, confirmation number, customer name and date, etc... to provide a reference for both the customer and the seller to accurately identify the customer's specific order. It would have been obvious to one having ordinary skill in the art of editing documents at the time the invention was made to provide the method of Husted (PERSONAL TECHNOLOGY CYBERSCENE Web sites convey best wishes Services provide all the material to design a card; The Atlanta Journal-constitution 1997) and von Rosen et al. (US Patent 6,493,677), as modified above, with transaction tracking numbers as taught by Examiner's Official Notice in order to provide a reference for both the customer and the seller to accurately identify the customer's specific order.

Response to Arguments

7. Applicant's arguments with respect to claim 1, 2, 4 and 6-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is 571/272-6781. The examiner can normally be reached on Monday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571/272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elaine Gort/
Primary Examiner, Art Unit 3627

Elaine Gort
Primary Examiner
Art Unit 3627

2/22/2008